

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 3:07-CR-44
)	JUDGES PHILLIPS/SHIRLEY
MICHELLE CHAVEZ)	

AGREED PRELIMINARY ORDER OF FORFEITURE

WHEREAS, on October 17, 2007, a Second Superseding Indictment was filed in the above-referenced case charging Defendant, MICHELLE CHAVEZ with in Count Two, conspiracy to commit certain offenses against the United States as follows: knowing that the property involved in financial transactions represented the proceeds of some form of unlawful activity, conducting and attempting to conduct such financial transactions with intent to promote the carrying on of a specified unlawful activity, and concealing and disguising the nature of, the location, source, ownership, and control of the proceeds of a specified unlawful activity, that is, the distribution of, and possession of with intent to distribute marijuana, a Schedule I controlled substance, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), (a)(1)(B)(i), and (h).

WHEREAS, in the Forfeiture Allegations of the Second Superseding Indictment in the above-styled case, the United States sought forfeiture of her interest and she agrees not to contest any interest she may have, pursuant to Title 18 U.S.C. § 982(a)(1), in the property described below as property involved in the violation of 18 U.S.C. §§ 1956(a)(1)(A)(i),(a)(1)(B)(i) and (h), and any and all property traceable thereto:

Real Property

- a. Real property located at 5331 W. Fireopal Way, Tucson, Arizona, and more particularly described as follows:

Lot 331 of Countryside Terrace, a subdivision of Pima County, Arizona, as shown by map recorded in Book 37 of Maps and Plats at Page 53, Pima County, Arizona.

Except all coal and other minerals reserved in the Patent from the United States of America.

Recorded in Docket number 12581, page 4181, on July 24, 2005, in the Recorder's Office for Pima County, Arizona, belonging to Claudia Campbell.

- b. Real property located at 4872 W Placita De Los Vientos, Tucson, Arizona, and more particularly described as follows:

Lot 148 of Rancho Del Cerro, according to the Map recorded in Book 25 of Maps, Page 37, records of Pima County, Arizona.

Recorded in Docket number 12837, page 11032, on July 30, 2006, in the Recorder's Office for Pima County, Arizona, belonging to Josefina Alvarez Valenzuela.

Firearms

- a. Hi-Point Firearms Model 995 9mm rifle, Serial Number A29951, with 3 magazines and 9mm ammo, seized at 4872 W. Placita De Los Vientos, Tucson, Arizona, on May 16, 2007;
- b. SKS 7.62 x 39-mm rifle, Serial Number 22001792, with 2 magazines and four rounds, seized at 4872 W. Placita de los Vientos, Tucson, Arizona, on May 16, 2007;

- c. Poly-Tech AK-475 7.62x39-mm rifle, Serial Number DF02780, w/15 9-mm, 1 Poly-Tech AK-47 magazine w/ammo, one stripper clip w/11 7.62x39 rounds, seized at 4872 W. Placita de los Vientos, Tucson, Arizona, on May 16, 2007;
- d. Taurus PT-92 pistol, Serial Number TMA 922200, with 1 (15) round mag, 15 rounds of 9mm ammo, 9mm Ruger magazine, (2) Taurus 9mm magazines, seized at 4872 W. Placita de los Vientos, Tucson, Arizona, on May 16, 2007; and
- e. Federal Premium .380 ammunition, seized at 5331 Fireopal Way, Tucson, Arizona, on May 16, 2007.

AND WHEREAS, on 1/10/08 this Court accepted the guilty plea of the Defendant, MICHELLE CHAVEZ, and by virtue of said guilty plea and conviction, the Court has determined that the property identified above is subject to forfeiture pursuant to 18 U.S.C. § 982(a)(1), and that the United States has established the requisite nexus between the property and the aforesaid offenses. Further the United States is now entitled to seize said property, pursuant to 21 U.S.C. § 853(g) as incorporated by 18 U.S.C. § 982(b)(1) and Rule 32.2(b) of the Federal Rules of Criminal Procedure;

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED:

1. That based upon the conviction of the Defendant, MICHELLE CHAVEZ, under 18 U.S.C. §§ 1956(a)(1)(A)(i),(a)(1)(B)(i) and (h), the United States is hereby authorized to seize the following property and the same is hereby forfeited to the United States for disposition in accordance with law, pursuant to 18 U.S.C. § 982(a)(1):

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- e. Federal Premium .380 ammunition, seized at 5331 Fireopal Way, Tucson, Arizona, on May 16, 2007.

2. That the aforementioned property is to be held by the Internal Revenue Service and the Drug Enforcement Administration in their secure custody and control.

3. That pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 18 U.S.C. § 982(b)(1), the Internal Revenue Service and/or Drug Enforcement Administration forthwith shall publish at least once for three consecutive weeks in a newspaper of general circulation, notice of this Order, notice of it's intent to dispose of the property in such manner as the Attorney General may direct and notice that any person, other than the Defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

4. This notice shall state that the petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title and interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the property and any

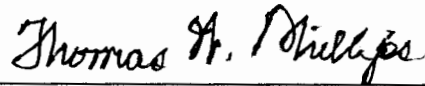
additional facts supporting the petitioner's claim and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person, as a substitute for published notice as to those persons so notified.

5. That upon adjudication of all other or third-party interests in said property, this court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), as incorporated by 18 U.S.C. § 982(b), in which all interests will be addressed.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to the Federal Rules of Criminal Procedure 32.2(e).

7. That the Clerk of this Court shall provide a certified copy of this Order to the Internal Revenue Service, Drug Enforcement Administration and to the United States Attorney's Office.

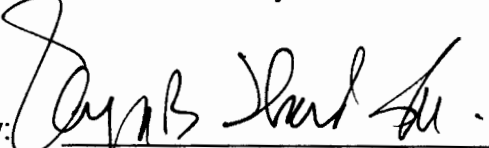
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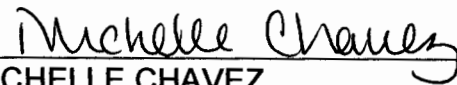
THOMAS W. PHILLIPS
UNITED STATES DISTRICT JUDGE


Submitted by:

JAMES R. DEDRICK
United States Attorney

By: 

HUGH B. WARD, JR.
Assistant U.S. Attorney


MICHELLE CHAVEZ
Defendant


STEVEN G. SHOPE
Attorney for Defendant